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10-24-01  
Rev. 09/15/00  
A. Coan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants: Jeffrey Davis

Docket No.: DAVIS100

Serial No.: 09/334,208

Examiner: Solak

Filed : June 15, 1999

Art Unit: 3746

For : METHOD AND APPARATUS FOR CONTROLLING A PUMPING UNIT

Commissioner for Patents  
Washington, DC 20231

**REPLY TO EXAMINER'S ANSWER**

This is in reply to the Examiner's Answer, dated September 28, 2001, to Appellant's Appeal Brief.

**REMARKS**

First, the Examiner correctly notes that Appellant failed to include a section on Related Appeals and Interferences. Appellant herein states that there are no related appeals or interferences.

Next, the Examiner repeatedly states in the Examiner's answer that "The use of natural gas as a pressurized medium, is old and well known in the oil field, and has been used as such to drive impact wrenches and a wide assortment of motors and tools." Appellant respectfully

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traverses the use of this statement by the Examiner as prior art in this case. Except for the teaching of Galloway to use pressurized natural gas to drive a motor there are no cited references to support the Examiner's statement.

If the Examiner intends to insert the statement as a matter of personal knowledge, then a Declaration of facts by the Examiner should have been submitted. If references exist to support the Examiner's statement, then appellant respectfully that the references be cited so that appellant can properly respond to the remarks.

In the absence of a Declaration or a citation of references by the Examiner, the Board is requested to disregard this statement by the Examiner to the extent that it exceeds the teaching of the Gallaway reference. There is no teaching in Gallaway of any use of pressurized natural gas other than to drive a motor.

Respectfully submitted,

Date: Oct. 15, 2001

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Signature of Attorney

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